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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Saul Armando Palomino-Cruz,

10 Petitioner,

11 v.

12 Kathy Tracy,

13 Respondent.
14

No. CV-15-01851-PHX-DLR

ORDER

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16 Before the Court are Petitioner Saul Armando Palomino-Cruz's Petition for Writ
17 of Habeas Corpus and United States Magistrate Judge Michelle H. Burns' Report and
18 Recommendation ("R&R"). (Docs. 1, 16.) The R&R recommends that the Court deny
19 the Petition. (Doc. 16 at 5.) The Magistrate Judge advised the parties that they had
20 fourteen days to file objections to the R&R and that failure to file timely objections could
21 be considered a waiver of the right to obtain review of the R&R. (*Id.* (citing Fed. R. Civ.
22 P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003))). Petitioner did
23 not file objections, which relieves the Court of its obligation to review the R&R. *See*
24 *Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section
25 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of
26 an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any
27 part of the magistrate judge's disposition that has been properly objected to."). The Court
28 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept

1 the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court
2 “may accept, reject, or modify, in whole or in part, the findings or recommendations
3 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
4 or modify the recommended disposition; receive further evidence; or return the matter to
5 the magistrate judge with instructions.”).


6 **IT IS ORDERED** that Magistrate Judge Burns’ R&R, (Doc. 16), is **ACCEPTED**.
7 Petitioner’s Petition for Writ of Habeas Corpus, (Doc. 1), is **DENIED** and **DISMISSED**
8 **WITH PREJUDICE**.

9 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
10 proceed *in forma pauperis* on appeal are **DENIED** because Petitioner has not made a
11 substantial showing of the denial of a constitutional right.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this
13 case.

14 Dated this 6th day of May, 2016.

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Douglas L. Rayes
United States District Judge